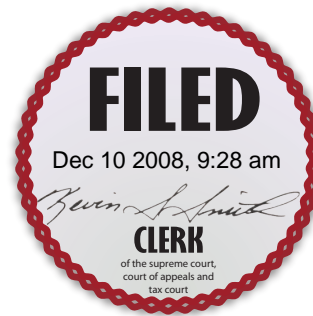


Pursuant to Ind. Appellate Rule 65(D), this Memorandum Decision shall not be regarded as precedent or cited before any court except for the purpose of establishing the defense of res judicata, collateral estoppel, or the law of the case.



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**IN THE
COURT OF APPEALS OF INDIANA**

SENECA L. GRIFFIN,
Appellant-Defendant,

vs.

STATE OF INDIANA,
Appellee-Plaintiff.

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No. 02A03-0804-CR-181

APPEAL FROM THE ALLEN SUPERIOR COURT
The Honorable Frances C. Gull, Judge
Cause No. 02D04-0703-FB-43

December 10, 2008

MEMORANDUM DECISION - NOT FOR PUBLICATION

KIRSCH, Judge

Seneca L. Griffin was convicted by a jury of robbery¹ as a Class B felony. He appeals, raising one issue, which we restate as whether sufficient evidence was presented to support his conviction.

We affirm.

FACTS AND PROCEDURAL HISTORY

Sandra Tinsley was working at a discount food store when she observed a black male, dressed in a black hooded sweatshirt and black stocking cap, enter the store. *Tr.* at 59. Tinsley was stocking shelves at the time, and she told the man to let her know when he was ready to make a purchase. *Id.* When the man said, “Okay, I’m ready,” she approached the cash register and noticed that he had placed two packages of cookies on the counter, which she promptly rang up. The man gave her a dollar bill, and as she prepared to give him his change, she saw that he was holding a gun and a plastic bag. *Id.* at 60. The man demanded that she empty the register into his bag, and she complied. *Id.* at 61-62. He then ordered her to keep her head down, not look at him, and walk to the back of the store. *Id.* at 62. Tinsley informed her boss and other employees at the back of the store that she had just been robbed at gunpoint. *Id.* at 63. A manager called police, and as a couple of employees headed toward the front of the store, Tinsley warned them not to touch the two packages of cookies on the counter because the robber had touched them, and she was hoping he had left some fingerprints. *Id.* at 64.

When police arrived at the scene, they collected the packages of cookies as evidence, and Tinsley described the robber as a black male, no older than thirty years old, of slender

¹ See Ind. Code § 35-42-5-1.

build, approximately 5'5" to 5'8" tall. *Id.* at 65, 78. Detectives returned to the store a couple days later to present a photo array to Tinsley, but she was unable to identify with certainty any one of the six photos as the robber or to exclude any one of them. *Id.* at 66-68. One of the photos in the array was of Griffin. A latent fingerprint examiner was able to lift only three fingerprints from the packages of cookies, all of which were matched to those of Griffin. *Appellant's App.* at 13. Griffin was described on the probable cause affidavit as a black male, twenty-two years old, 5'9" tall and 152 pounds. *Id.* The State charged Griffin with robbery as a Class B felony. *Id.* at 14. After a jury trial, Griffin was found guilty as charged. He now appeals that conviction.

DISCUSSION AND DECISION

Griffin contends that there was insufficient evidence to support his conviction. Our standard of review for sufficiency claims is well settled. We do not reweigh the evidence or judge the credibility of the witnesses. *Williams v. State*, 873 N.E.2d 144, 147 (Ind. Ct. App. 2007). We will consider only the evidence most favorable to the judgment together with the reasonable inferences to be drawn therefrom. *Id.*; *Robinson v. State*, 835 N.E.2d 518, 523 (Ind. Ct. App. 2005). We will affirm the conviction if sufficient probative evidence exists from which the fact finder could find the defendant guilty beyond a reasonable doubt. *Williams*, 873 N.E.2d at 147; *Robinson*, 835 N.E.2d at 523.

Griffin argues that the fingerprint evidence was insufficient to establish him as the perpetrator because there was no evidence that he was the exclusive handler of the cookie packages. Tinsley testified that the robber brought those cookie packages up to the register and that he was not wearing any gloves. *Tr.* at 65. No other fingerprints besides Griffin's

were found on the packages. *Tr.* at 89. A defendant's fingerprints found on an object that was moved during the commission of the crime creates a reasonable inference that he left his prints on that object when the crime was committed. *Hanks v. State*, 484 N.E.2d 14, 16 (Ind. 1985). Moreover, Griffin matched the general description of the robber that Tinsley gave the police. Circumstantial evidence need not overcome every reasonable hypothesis of innocence; the evidence is sufficient if an inference may reasonably be drawn from it to support the verdict. *Pickens v. State*, 751 N.E.2d 331, 334 (Ind. Ct. App. 2001). When a conviction is based on circumstantial evidence, we will not disturb the verdict if the trier of fact could reasonably infer that the defendant is guilty beyond a reasonable doubt from the evidence presented. *Id.* Here, Griffin's fingerprints on the packages of cookies that were moved during the commission of the robbery, along with the victim's general description of the robber that matched Griffin, provided sufficient evidence for the jury to find him guilty of robbery.

Affirmed.

VAIDIK, J., and CRONE, J., concur.